

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CIV 09-0315 LH/LAM
CR 06-2263 LH**

OSCAR PROVENCIO-SANDOVAL,

Defendant/Movant.

ORDER DENYING MOTION FOR RECONSIDERATION

THIS MATTER is before the Court on Defendant/Movant's *Motion for Reconsideration* (Doc. 10), filed on April 27, 2009. On April 17, 2009, the Court denied Defendant/Movant's *Request for Pro Bono Assistance* (Doc. 4), finding that Defendant/Movant appears to understand the issues in the case and appears to be representing himself in an intelligent and capable manner. See *Order Denying Motion for Appointment of Counsel* (Doc. 7) at 1. In his *Motion For Reconsideration* (Doc. 10), Defendant/Movant states that he "is not articulate in [E]nglish or versed in the [l]aw," and that he had access to a bilingual inmate with legal knowledge, but Defendant/Movant has been approved for a transfer to another facility at a date unknown, and after his transfer he "will not have access to the same legal assistance." Doc. 10 at 1-2.

There is no constitutional right to court-appointed counsel in a civil case. *Johnson v. Johnson*, 466 F.3d 1213, 1217 (10th Cir. 2006). The Court again considered "'the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.'" *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)).

The case does not appear to raise complex or novel issues of law that might justify the appointment of counsel. Moreover, Defendant/Movant continues to appear to understand the issues in the case and to be representing himself in an intelligent and capable manner. Therefore, his ***Motion for Reconsideration*** (*Doc. 10*) will be **DENIED**.

IT IS THEREFORE ORDERED that Defendant/Movant's ***Motion for Reconsideration*** (*Doc. 10*) is **DENIED**; to the extent that the pleading is construed as an additional request for appointment of counsel, that request also is **DENIED**.

IT IS SO ORDERED.

Lourdes A. Martinez

LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE